

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Action No.
)	05-10114-RCL
PEDRO LOBO,)	
a/k/a "JOSE LOBO",)	
a/k/a "PETER",)	
Defendant.)	

SECOND AMENDED FINAL ORDER OF FORFEITURE

LINDSAY, D.J.

WHEREAS, on October 20, 2005, a federal grand jury sitting in the District of Massachusetts returned a seven-count Superseding Indictment charging Pedro Lobo (the "Defendant"), with Conspiracy to Distribute Cocaine Base, in violation of 21 U.S.C. § 846 (Count One); Distribution of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1) (Counts Two through Five); and Possession of Cocaine Base with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1) (Counts Six and Seven);

WHEREAS, the Superseding Indictment also contained a Forfeiture Allegation seeking forfeiture, pursuant to 21 U.S.C. § 853, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses, and/or any property used and/or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, including, but not limited to, one 1997 Toyota Avalon, Massachusetts registration 25WA27, registered in the name of Diname Pires-Lopes, vehicle

identification number 4T1BF12B7VU21077 (the "Avalon"), and \$7,760.00 in U.S. Currency¹ (the "Currency");

WHEREAS, on March 16, 2006, the Defendant pled guilty to Counts One through Seven of the Superseding Indictment and at the March 16, 2006 hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States referred to the Avalon and the Currency as forfeitable assets in its statement of the facts of the case, and the Defendant acknowledged that the Avalon and the Currency were subject to forfeiture;

WHEREAS, on April 19, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Avalon and the Currency;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on July 6, 2006, July 13, 2006, and July 20, 2006; and

WHEREAS, no claims of interest in the Avalon or the Currency have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on August 21, 2006;

¹The \$7,760.00 in U.S. Currency was listed incorrectly in the Superseding Indictment. The correct amount is \$7,780.00 in U.S. Currency. Also, the vehicle identification number of the Avalon was listed incorrectly in the Superseding Indictment. The correct vehicle identification number is 4T1BF12B7VU210778.

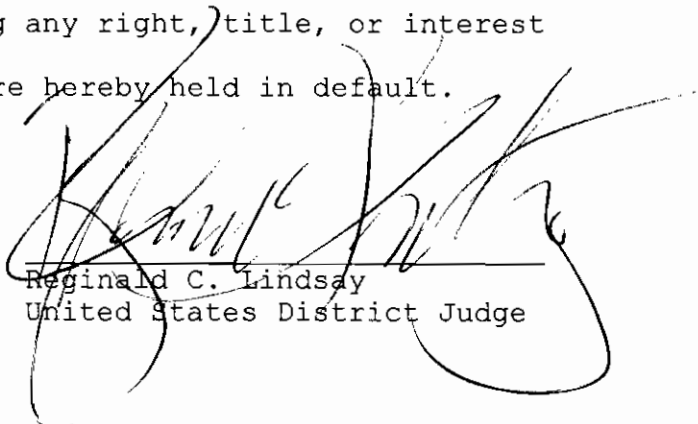
WHEREAS, on November 9, 2006, the United States filed a Second Motion to Amend Final Order of Forfeiture to correct the vehicle identification number of the Avalon, which is 4T1BF12B7VU210778.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The United States' Motion for Second Amended Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Avalon and the Currency, and it is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b).

3. All other parties, having any right, title, or interest in the Avalon and the Currency, are hereby held in default.


Reginald C. Lindsay
United States District Judge

Date:

11/29/06